

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-20024

Honorable Nancy G. Edmunds

FERNANDO SAENZ,

Defendant.

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ORDER DENYING DEFENDANT'S REQUEST [254]

This matter is before the Court on its review of Defendant's letter requesting assistance with computation of his sentencing credits. (Dkt. 254.) Defendant argues that he should receive credit for the 364 days he spent in custody in Michigan towards the sentence imposed in this case, which he is currently serving in Colorado.

The Court first notes that Defendant was sentenced in this case to a term of 60 months of imprisonment, which was the mandatory minimum and well-below the guideline range of 135-168 months. (See dkts. 246, 247.) Notwithstanding, it is the United States Attorney General through the Bureau of Prisons, not the sentencing court, that has the authority to compute sentencing credits. See *United States v. Wilson*, 503 U.S. 329, 335 (1992); *McClain v. Bureau of Prisons*, 9 F.3d 503, 505 (6th Cir. 1993). Defendant may challenge the Bureau's calculations, after the exhaustion of his administrative remedies, by filing a habeas corpus petition pursuant to 28 U.S.C. § 2241 in the district where he is confined. See *McClain*, 9 F.3d at 505.

For the foregoing reasons, Defendant's request is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 24, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 24, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager